

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF ARKANSAS  
TEXARKANA DIVISION

BLANCHE F. CROW

PLAINTIFF

vs.

Civil No. 05-4048

JO ANNE B. BARNHART,  
Commissioner, Social Security Administration

DEFENDANT

**MEMORANDUM AND ORDER**

Now on this 18th day of April, 2006, there is pending before the undersigned, the Commissioner's Motion To Remand, filed herein on November 2, 2005, by the Commissioner of Social Security (hereinafter "Commissioner") (Doc. #7). Despite ample time to do so, Plaintiff has not responded to the Commissioner's motion. This matter is now ready for consideration.

In the instant motion, the Commissioner asserts that reversal of her decision, and remand of this matter, are necessary to ensure that the administrative law judge (ALJ): reassess Plaintiff's residual functional capacity (RFC); reevaluate the effect of any nonexertional limitations on Plaintiff's RFC; obtain vocational expert testimony on the impact of Plaintiff's limitations on her ability to do past relevant work or other work; and, reevaluate Plaintiff's subjective complaints (Doc. #7, pp. 1-2).

Sentence four provides:

The court shall have the power to enter, upon the pleadings and transcript of the record, a judgment affirming, modifying, or reversing the decision of the [Commissioner], with or without remanding the cause for a rehearing.

*42 U.S.C. § 405(g).*

Accordingly, we conclude that the Commissioner's motion requesting reversal of the decision and remand, is well taken. The Commissioner's decision is reversed and this matter is remanded for further hearing, pursuant to sentence four, *42 U.S.C. § 405(g)*, for further proceedings, as specifically set forth above and in the Commissioner's motion (Doc. #7).

In addition, the undersigned finds that the Plaintiff's Complaint should be and hereby is dismissed without prejudice to the subsequent filing for attorney's fees pursuant to the *Equal Access to Justice Act*, *28 U.S.C. § 2412*. A separate Judgment shall be entered herein pursuant to *F.R.Civ.P. 58* and *52*.

IT IS SO ORDERED.

/s/Bobby E. Shepherd  
Honorable Bobby E. Shepherd  
United States Magistrate Judge